

Important Addresses and Phone Numbers

Office of Revenue and Recovery

Probation Department

CALIFORNIA YOUTH AUTHORITY

Office of Prevention and Victims
Services

4241 Williamsborough Drive, Suite 214
Sacramento, CA 95823
(888) HEGOTCYA
(888) 434-6829



Restitution Responsibilities in California

A brochure for youthful offenders
prepared by the

STATE BOARD OF CONTROL
Revenue Recovery and Compliance
Division
P.O. Box 1348
Sacramento, CA 95812-1348
www.boc.cahwnet.gov

GRAY DAVIS, Governor

Director, Department of General Services
and Board Chairman

KATHLEEN CONNELL
State Controller and Board Member

BENNIE O'BRIEN
Board Member

DARLENE AYERS-JOHNSON
Executive Director

What is Restitution?

In 1982, the people of the State of California voted for and passed the Victims Bill of Rights (Article 1, Section 28 of the California Constitution). California law says that restitution must be ordered in every case where a juvenile offender is found to have committed a crime and when a victim suffers a loss.

Restitution pays a victim back for his/her losses such as, damages, injuries, and costs, caused by the juvenile offender's criminal conduct.

Restitution is also part of a juvenile offender's punishment and is meant to hold each offender responsible for his/her actions. Paying a victim back for their losses is also part of the juvenile offender's rehabilitation. The court orders an offender to pay his/her restitution at the juvenile offender's disposition hearing. The parents of the juvenile offender may be held equally responsible for payment of the victim's restitution.

res-ti-tu-tion - An act of restoring or a condition of being restored: as a) a restoration of something to its rightful owner, b) a making good of or giving an equivalent for some injury



Restitution Orders

(Welfare and Institutions Code § 730.6, et seq.)

Generally, when a victim has losses because of a juvenile offender's criminal conduct, the court must order the offender to pay restitution to the victim. The amount of the restitution ordered should be a total of all the losses the victim has incurred. If the total amount of the victim's losses is not known by the time of the disposition hearing, the court will order the amount to be set at a later date.

If restitution is ordered, the offender has the right to ask for a court hearing before the court to dispute the amount of the victim's losses.

In most cases, the court must order restitution in the full amount of the victim's losses unless it finds "compelling and extraordinary" reasons not to do so. The reasons have to be stated on the court record. The order cannot be waived simply because the offender does not have the money to pay.

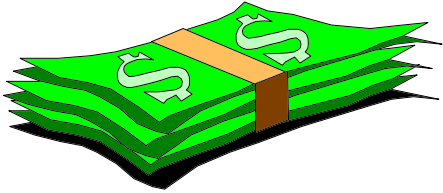


Restitution Fines

(Welfare and Institutions Code § 730.6, *et seq.*)

Under state law, the court must order the offender to pay a restitution fine in every case where a juvenile is found to have engaged in criminal conduct. The amount of the fine is set by the court and should match with the seriousness of the crime.

- ♦ Felony convictions – at least \$100 and not more than \$1,000.
- ♦ Misdemeanor convictions – not more than \$100.



The court has to order at least the minimum restitution fine unless it finds “compelling and extraordinary” reasons not to do so. The reasons have to be stated on the court record. The fine cannot be waived because the offender does not have the money to pay.

When imposing a fine for more than the minimum amount, the court must consider how serious the crime was, how many victims were involved, the victims’ losses and if the offender has the money to pay (this includes what the offender will earn in the future).

Who benefits from Restitution?

Restitution Orders

Monies collected from restitution orders are given directly to the victim, except when the Victims of Crime (VOC) Program has already paid for the victim’s losses. If the VOC Program has paid for the losses, then the money is returned to the VOC Program.

Restitution Fines

The money collected from restitution fines is put into the Restitution Fund to pay for the VOC Program. The VOC Program provides benefits to victims of violent crime and pays for certain out-of-pocket expenses that the victim suffered because of a violent crime.

Benefit Types Include:

- Medical Expenses
- Mental Health Counseling Expenses
- Wage Loss/Support Loss
- Funeral/Burial Expenses
- Vocational Rehabilitation Expenses

IMPORTANT REMINDER

If you make payments toward your restitution, please keep all of your receipts for future reference.

Payment Options

How do I pay my restitution?

Restitution fines and orders are ordered by the judge at the disposition hearing. How you pay your restitution will depend on your individual case.

If you are placed on Probation or sent to Juvenile Hall:

Under normal circumstances, you will either make payment arrangements with your probation officer or the court will determine your payment amounts as a part of the court order. Payments are usually made to the Probation Office, the Court Collections Unit or the County’s Office of Revenue and Recovery.

If you are sent to the California Youth Authority (CYA):

There are three ways you can pay your restitution:

1. You or your family may make voluntary payments at any time.
2. If you are working while in CYA, 15% of your wages will automatically go toward paying your restitution.
3. Beginning January 1998, CYA will deduct up to 50% of any money deposited into your trust account. The money will be used to pay your restitution. By law, CYA will charge you 10% of the amount deducted from your trust account as an administrative fee. If you voluntarily pay your restitution in full, you will not be charged the 10% fee.

Consequences

What happens if I don’t pay?

If you are placed on probation, payment of restitution fines and orders that were ordered by the judge will be made a condition of your probation and can be enforced in the following ways:

- ♦ If you do not make your restitution payments, it may be a violation of the terms and conditions of your probation.
- ♦ If there is an outstanding balance at the end of your probation, the balance can be collected as a civil judgment.

Restitution fines and orders are enforceable as a civil judgment.

- ♦ If you do not pay your restitution fine, the State Board of Control will use aggressive collection procedures, including taking your tax refunds.
- ♦ If you do not pay your restitution order to your victim(s), they also may collect that order as a civil judgment. They could enforce this judgment against your earnings or any property that you may own now or in the future.
- ♦ If you do not pay your restitution in full, you will not receive an honorable discharge and will not be able to seal your records.

Restitution fines and orders have an infinite life and can be pursued until they are paid in full.